IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTY FOURTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WP.NO.18622 OF 2005

Between:

Parre Chandraiah … Petitioner

Versus

The Mandal Revenue Officer

Gudluru Mandal, Gudluru,

Prakasham district & Ors. … Respondents

Counsel for the Petitioner: Mr.N.Krishnamurthy (744)

Counsel for the Respondents 1 & 2: GP for Revenue

Counsel for the Respondents 3 & 4: NONE APPEARED

O R D E R :

This writ petition is filed the action of the respondents in not considering the representation dated 09-8-2005 submitted by the petitioner seeking to assign the land in an extent of Acs:2-94 cents in survey no.901 situate at Yelurupadu village of Gudluru Revenue Mandal, Prakasham district and take steps to assign the said land in favour of respondents 3 and 4 as unjust, arbitrary, illegal and consequently direct the first respondent to consider the said representation.

The facts of the case are that the petitioner belongs to scheduled caste community and is a landless poor. The petitioner is having one acre of dry land besides being she is cultivating the land belongs to the Government for more than 25 years. The petitioner submits that there is Government Poramboke land in an extent of Acs:8-30 cents at Yeluru village, Guduluru Revenue Mandal, Prakasham district. Out of the said extent of Acs:8-30 cents, she has been in possession and enjoyment of dry land over an extent of Acs:2-94 cents. She submits that she has been raising crop like blackgram as a rainfed.

The petitioner submits that the Government declared a policy to assign the Government land to the landless poor after verifying the eligibility criteria. Thereupon, the petitioner submitted a representation to the first respondent seeking to assign the land in his favour. In order to dig well in the said land the petitioner by obtaining grant from the Scheduled Caste Co-operative Corporation, she applied for issuance of Adangals. The Mandal Revenue Officer issued the adangals, which shows that she has been in possession and enjoyment of the land in an extent of Acs:2-94 cents in survey no.901 of Yelurupadu village.

While things stood thus, the first respondent instead of considering the representation of the petitioner, the first respondent without following the procedure contemplated under the AP Board Standing Orders, the first respondent is issuing pattas in favour of third and fourth respondent for the land in which the petitioner has been in possession and enjoyment over the said extent of land for the last 25 years.

The learned counsel for the petitioner submitted that the first respondent

without following the prescribed procedure contemplated under the Board Standing Orders; viz., Appending-IV of Board Standing Orders-15 para no.3; whenever any application is received for assignment of the land either to the Tahsildar or Mandal Revenue Officer as the case may be, should be referred to the Village Officers and call for the report. After receipt of report the same should be entered in 'C' register and then publish the fact of application in the village by 'tom-tom' and notice in Form No.A-1 shall be affixed in the village chavadi and on the darkhast land for fifteen days.

Now the grievance of the petitioner is that instead of considering the representation of the petitioner, the first respondent at the instance of local MLA and sarpanch of the village are trying to assign the said land in favour of the third and fourth respondent by giving a go-bye to the Board Standing Orders-15. Therefore, the present writ petition has been filed.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents to consider the representation dated 09-8-2005 submitted by the petitioner seeking to assign the land of Acs:2-94 cents in survey no.901 situate at Yelurupadu village of Gudluru Revenue Mandal, Prakasham district and pass appropriate order on merits and in accordance with law, within six weeks, from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing the petitioner.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 24th, 2005. ----------

l s L. ELIPE DHARMA RAO , J.